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10/072,477	02/07/2002	Gary K. Weise	Thermocraft 2001-023	3612

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EXAMINER
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PATEL, DHIRUBHAI R

ART UNIT	PAPER NUMBER
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2831

DATE MAILED: 03/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/072,477

Applicant(s)

WEISE ET AL.

Examiner

DHIRU R PATEL

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 07 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: Sketch A.

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### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, an insert member having a portion which is T shape recited in claim 5 must be shown or the feature(s) canceled from the claim(s). The examiner suggest showing reference number for T shape . A proposed drawing correction or corrected drawings are required in reply to the office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance. No new matter should be entered.

Applicant is responsible for showing reference number for claimed invention.

2. Applicant is required to submit a proposed drawing correction in reply to this office action. However, formal correction of the noted defect may be deferred until after the examiner has considered the proposed drawing correction. Failure to timely submit the proposed drawing correction will result in the abandonment of the application.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351 (a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application

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designating the United States was published under Article 21(2)(a) of such treaty in the English language; or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

3. Claims 1, 9, 15-17, and 20 are rejected under 35 U.S.C. § 102(e) as being anticipated by DeFreitas (6,521,833).

Regarding claim 1, an electrical junction box 11 (see figs 3-4, column 4 lines 9-15) said junction box comprising: a molded plastic junction box body (see column 4 lines 9-12) including a back wall(see sketch A), and plural contiguous walls 12 extending generally perpendicularly to said back wall(see fig 4, column 4 lines 12-15), and each one of said plural contiguous walls joining integrally to the back wall and also to adjacent ones of said plural contiguous walls to cooperatively define a chamber within said junction box (see fig 4), and with said plural contiguous walls at respective end edges cooperatively forming an opening to said chamber (see fig 4); at least one wall of said junction box body defining an insert recess ( recess for an insert member 8, see fig 5) for slidably receiving an insert member 8 (see fig 4, column 3 lines 50-65) which carries at least one conduit socket 16 into which a termination portion 94 (see column 3 lines 57-61) of an electrical conduit 60 may be secured (see fig 5, column 4 lines 34-55).

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Regarding claim 9, a molded plastic junction box 11 (see figs 3-4, column 4 lines 9-15) body including a back wall (see sketch A), and plural contiguous walls 12 extending generally perpendicularly to said back wall (see fig 4, column 4 lines 12-15), and each one of said plural contiguous walls joining integrally to the back wall and also to adjacent ones of said plural contiguous walls to cooperatively define a chamber within said junction box (see figs 3-4), and with said plural contiguous walls at respective end edges cooperatively forming an opening to said chamber (see fig 4); at least one wall of said junction box body defining an insert recess (recess for an insert member 8, see fig 5) for slidably receiving an insert member which carries at least one conduit socket 16 into which a termination portion 94 (see column 3 lines 57-61) of an electrical conduit may 60 be secured (see fig 5, column 4 lines 34-55), an insert member 8 (see fig 4, column 3 lines 50-65) having a portion 55 sized and configured to be slidably received into and retain in said insert recess (see fig 5, column 4 lines 16-25), said insert member outwardly defining a boss 20 (see fig 4) having a stepped through bore (see figs 3-5), and said stepped through bore including an outer portion thereof which provides a conduit socket 33 (see fig 5) into which an end termination portion 95 of an electrical conduit 60 may be received (see fig 4, column 3 lines 50-65).

Assembly of the of device of DeFreitas comprises the method step of:

Regarding claim 15, a molded non-conductive plastic junction box 11 assembly (see figs 3-4, column 4 lines 9-15) , said junction box assembly including a junction box body 10 defining at least one insert recess (recess for an insert member 8, see figs 4-5), and at least one insert

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member 8 received into said insert recess (see fig 4, column 3 lines 50-65), said junction box body comprising: a back wall (see sketch A) and at least four contiguous integral side walls 12 each joined both to the back wall and to two adjacent ones of the at least four contiguous side walls (see fig 3-4), said contiguous side walls being disposed in spaced apart opposite pairs (see fig 4), said back wall and side walls cooperatively bounding a chamber within said junction box (see fig 4), and each side wall terminating at an end edge substantially in a common plane to cooperatively define an opening to said chamber (see fig 4), and at least one of said contiguous side walls defining an insert recess (see fig 5); an insert member 8 (see fig 4, column 3 lines 50-65) having a boss 20 with a stepped through bore and said stepped through bore outwardly presenting a conduit socket 55 into which an end termination portion 94 of an electrical conduit 60 (see fig 4, column 3 lines 50-65) may be received, said insert member having a portion 41-44 complementary to said insert recess, and said portion being receivable into said insert recess to position said insert member on said junction box body (see fig 5, column 4 lines 16-33).

Regarding claim 16, said junction box body and said insert member cooperatively defining latching means 31-34 for cooperatively engaging upon insertion of said insert member into said insert recess, said engaged latching means preventing removal of said insert member from within said insert recess (see column 4 lines 20-30).

Regarding claim 17, a method of providing an electrical junction box 11 ( see figs 3-4, column 4 lines 9-15) said method comprising steps of: providing plural walls 12 for said junction box, and cooperatively arranging and interconnecting said plural walls so as to substantially bound

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a volume (see figs 3-4), utilizing an end edge of selected ones of said plural walls to cooperatively define an opening to said volume by which electrical components and electrical wiring may pass into and from said volume (see fig 4); utilizing at least one wall of said plural walls of said junction box to define an insert recess (recess for an insert member 8, see fig 5), and configuring said insert recess to open outwardly from said volume (see fig 5), whereby said insert recess may receive a matchingly configured insert member which provides for joining to said junction box of at least one electrical conduit 60 (see fig 4, column 3 lines 50-65); providing an insert member 8 (see fig 4, column 3 lines 50-65) having a portion 32,34 which is complementarily configured to and which is receivable into said insert recess (see fig 1 and entire specification), utilizing said insert member to define a boss 20 and a stepped through bore, utilizing said stepped through bore to outwardly include a portion providing a conduit socket 55 into which an end termination 94 portion of an electrical conduit 60 may be received and secured; and inserting and securing said insert member into said insert recess (see fig 4, column 3 lines 50-65).

Regarding claim 20, the step of securing said insert member within said insert recess includes a step selected from the group consisting of: utilizing an adhesive upon said insert member, and providing mutual latching features on said insert member and on said junction box body, which mutual latching features engage upon insertion of said insert member into said insert recess (see entire specification).

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***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103 (a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

4. Claim 10 is rejected under 35 U.S.C. § 103 (a) as being unpatentable over DeFreitas (6,521,833).

Regarding claim 10, DeFreitas disclose all the features of the claimed invention as shown above, but fails to disclose wherein both said insert recess and said insert recess member portion are generally rectangular in elevation view, and applicant doesn't state a particular problem is solved by both said insert recess and said insert recess member portion are generally rectangular in elevation view. It would have been obvious to one having ordinary



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skill in the art at the time the invention was made to provide the assembly of DeFreitas with both said insert recess and said insert recess member portion are generally rectangular in elevation view, since more than a mere change of form is necessary for patentability. In re Span-Deck Inc. V. Fab-con, Inc. (CA 8, 1982) 215 USPQ 835.

***Allowable Subject Matter***

5. Claims 2- 4, 5-8, 11-14 and 18-19 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

The primary reasons for the indication of the allowability of claims 2- 4, 5-8, 11-14 and 18-19 are the inclusion therein, in combination as currently claimed, of the limitation of said insert recess defined by said at least one wall is generally rectangular in elevation view, whereby an insert member may be slidably received into said outer larger portion of said insert recess and may locate against said shoulder to position said insert member within said insert recess (for claims 2-4), said insert recess defined by said at least one wall is generally T-shaped in a direction of view parallel with sliding movement of an insert member into said insert recess, whereby an insert member having a portion which is also of T shape matching said insert recess may be slidably received into said inner and said outer portions of said insert recess and may locate against said shoulder to position said insert member within said

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insert recess (for claims 5-8), said insert recess of generally rectangular shape includes an outer portion of larger size and rectangular shape, and an inner portion of smaller size and rectangular shape, whereby said insert member may be slidably received into said outer larger portion of said insert recess and may locate against said shoulder to position said insert member within said insert recess (for claims 11-14), said insert recess to include a larger sized portion opening outwardly on said junction box, and a smaller sized portion opening inwardly of said junction box to said volume, and utilizing said larger sized portion and said smaller sized portion to provide an outwardly disposed shoulder within said insert recess (for claims 18-19).

The previously listed limitation is neither disclosed nor taught by the prior art of record, alone or in combination.

**Contact information**

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dhiru Patel whose telephone number is (571) 272 -1983. The examiner can normally be reached on Mondays- Thursdays from 6:30 am to 4:00 pm. The fax number for this Group is 703-872-9306. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-2800 ext 31.

Dhiru Patel  
Patent Examiner  
Group Art Unit 2831  
March 1, 2004

*Dhiru Patel*  
*Primary Examiner*  
*3/1/04*